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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,885	06/20/2000	Yasuhiro Kujirai	35.G2605	5765
5514	7590	08/06/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			GARCIA, GABRIEL I	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,885

Applicant(s)

KUJIRAI ET AL.

Examiner

Gabriel I Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) 21-66 and 77-88 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 67-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of claims 1-30 and 67-76 in Paper No. 6 is acknowledged.
2. The abstract of the disclosure is objected to because is drawn to a different invention. Correction is required. See MPEP § 608.01(b).
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1-20 and 67-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonkin (6,134,568).

With regard to claim 1, Tonkin teaches an information processing apparatus (150) for displaying (162) and controlling print previews (e.g. abstract) of document data inputted from an application (300) comprising: data generating means for generating data reflecting consideration for device information regarding a printer (72) according to the document data and the device information (e.g. col. 6, lines 10-17, col. 8, lines 41-48 and col. 9, lines 5-23) and displaying and controlling means for controlling to allow displaying means to display previews of the document data, which reflects consideration for the device information regarding said printer, according to the generated rendering data (e.g. col. 2, lines 25-67, col. 10, lines 4-37, and col. 15, lines 4-23).

With regard to claim 2, Tonkin further teaches device information requesting means for requesting the device information from said printer (see fig. 1, and col. 10, lines 4-44); and device information fetching means for fetching the device information from said printer according to a request from said device information requesting means (see fig. 1, col. 10, lines 4-44).

With regard to claim 3, Tonkin further teaches wherein, when a defect is detected by said data generating means is an output from a device function based on the device information, said displaying and controlling means performs control so that said displaying means displays information regarding the detection of the defect (col. 6, lines 22-40 and col. 10, lines 4-44).

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With regard to claim 4, Tonkin further teaches correcting means for correcting print specification information for the document data after the preview is displayed (reads on the editing means 266 and col. 10, lines 4-44).

With regard to claim 5, Tonkin further teaches wherein said data generating means manages the device information according to a printer coordinate system (reads on col. 13, lines 1-12, which the display data is a preview of the printed page which correspond to the coordinates of the printer).

With regard to claim 6, Tonkin further teaches spooling means for receiving the document data via rendering means controlled by an operating system and retaining the document data as intermediate data, wherein said data generating means generates rendering data from the intermediate data retained by said spooling means and reoutputs the rendering data to said rendering means (reads on col. 7, lines 11-27, which describes how different data formats can be used, and the spooling reads on the processing facility that stores jobs to be submitted to the production locations).

With regard to claim 7, Tonkin further comprising print data generating means for converting the rendering data inputted from said data generating means via rendering means controlled by an operating system to print data that can be interpreted by said printer (e.g. col. 7, lines 11-27).

With regard to claim 8, Tonkin further teaches transmitting means for transmitting the print data to said printer via a network (see fig. 1), the print data having been converted and generated by said print data generating means (e.g. col. 7, lines 11-27).

With regard to claim 9, Tonkin further teaches wherein the device information is stable information (see fig. 5E and 5F, and col. 7, lines 47-56).

With regard to claim 10, Tonkin further teaches wherein the device information is punched hole information stable information (see fig. 5E and 5F, and col. 8, lines 41-48).

With regard to method and program claims 11-20 and 67-76, the limitations of claims 11-20 and 67-76 are covered by the function of the apparatus claims 1-20 and 67-76, these functions that can be programmed to generate the source code (or program) to control the previewing, therefore claims are rejected for the same rejection rationale/basis as described in claims 1-10 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawamoto (6,615,346) teaches a system providing switching means on print setup preview.

Livington (6,614,45) teaches a scheme for presentation of multiple print job modification.

Ohta (6,108,008) teaches a color image mapping within output device reproduction range.

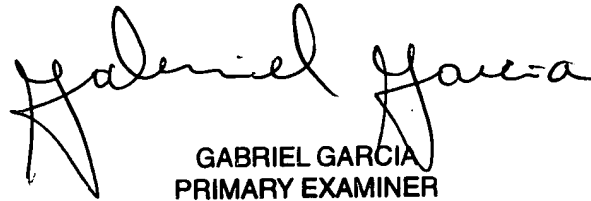
Colbert et al. (5,699,494) teaches remote replication of printer operator panel.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Gabriel I. Garcia** whose telephone number is (703) 305-8751. The Examiner can be reached from Monday through Thursday, from 7:30 am to 6:00 pm. The fax phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Gabriel I. Garcia
Primary Examiner
August 3, 2004



GABRIEL GARCIA
PRIMARY EXAMINER